

REMARKS

Claims 9 and 10 have been amended to recite that the graphite powder contains Fe in an amount of 100 ppm or less. Support is found, for example, at page 19, lines 6-11 of the specification.

Review and reconsideration on the merits are requested.

Claims 9 and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over T. Sasa, "Vapor Pressure And Hysteresis In The Graphite-Bromine System", Carbon, 1973, Vol. 11, pp. 497-503. Sasa was cited as teaching graphite having a C_O of 6.709 within the scope of claims 9 and 10, which is subsequently ground into powder. Although recognizing that grinding will increase C_O , the value of 6.709 is said to be so much lower than the claimed value that even when ground the powder is expected to have an interlayer distance of 6.730Å or less.

Claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Sasa taken with U.S. Patent 5,344,724 to Ozaki et al. The Examiner considered that it would have been obvious to employ the graphite of Sasa as an electrode in the secondary cell of Ozaki et al. in order to exploit the properties of the graphite powder of Sasa.

Applicants respectfully traverse for the following reasons.

As to the rejection of claims 9 and 10, Sasa does not disclose a graphite powder having a Fe content of 100 ppm or less. Sasa does not teach how to make a graphite carbon powder having a Fe content of 100 ppm or less, and there is nothing in Sasa which would allow one of

ordinary skill to infer that the graphite powder of Sasa would inherently meet the terms of the amended claims.

Therefore, withdrawal of the foregoing rejection of claims 9 and 10 over Sasa is respectfully requested.

Applicants comment on the rejection of claim 14 over Sasa taken with Ozaki et al as follows.

As described in claim 3 of Ozaki et al, the graphite particles described therein have a lattice plane spacing (d_{002}) of 3.36 Å to 3.39 Å within the scope of claims 9 and 10. However, amended claims 9 and 10 further require that “the graphite powder contains Fe in an amount of 100 ppm or less”, not taught by the combination of Sasa and Ozaki et al.

As described at page 4, lines 14 to 18 of the present specification, prior art carbon material for preparing a graphite powder contains metal impurities which impair battery characteristics (for example, gas evolution due to decomposition of the electrolyte at the surface of the graphite electrode). See, for example, Ozaki et al at column 2, lines 46-54.

As discussed at page 7, lines 4 to 6 of the present specification, the present inventors eliminated contamination due to impurity gas, and as described at page 13, lines 2 to 8 of the specification, the resulting graphite material is of high purity.

There is nothing in the cited prior art which describes preparation of graphite powder containing Fe in an amount of 100 ppm or less or the desirability of using such graphite carbon powder for preparing an electrode material for a lithium-ion secondary battery as claimed in present claim 14. It is therefore respectfully submitted that claim 14 is patentable over the

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combination of Sasa and Ozaki et al, and withdrawal of the foregoing rejection under 35 U.S.C. § 103(a) is respectfully requested.

Withdrawal of all rejections and allowance of claims 1-10, 14 and 15 is earnestly solicited.

In the event that the Examiner believes that it may be helpful to advance the prosecution of this application, the Examiner is invited to contact the undersigned at the local Washington, D.C. telephone number indicated below.

Respectfully submitted,



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